HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.4622 of 2007

Between:

P. Ravinder …Petitioner

And

Medical Officer, Primary Health Centre,
Peddagopathi, Konijerla Mandal,
Khammam District and three others. …Respondents

:: O R D E R ::

Counsel for the petitioner : Sri Kowturu Vinay Kumar

24th April, 2007

Per G.S. Singhvi, C.J.

Whether the petitioner, who was initially engaged as Watchman by Integrated Tribal Development Agency (ITDA), a society registered under the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 F. on 14-4-1976 and who, later on, worked as Attender and Driver can, on his absorption as Driver under the District Medical and Health Officer, Khammam (respondent No.2), claim for updating the service conditions in the Service Register with regard to postings and promotions from 1976 to date by taking into consideration the service rendered by him in the society, is the question which arises for determination in this petition filed for quashing order dated 22-12-2006 passed by the Andhra Pradesh Administrative Tribunal (for short, 'the

Tribunal') in O.A.No.8853 of 2005.

It is borne out from the record that before filing O.A.No.8853 of 2005, the petitioner had filed O.A.Nos.1482 of 1989, 8318 of 2000 and 2146 of 2004. The first application was filed by him for quashing the termination of his service by the society. The same was allowed by the Tribunal and the non-applicants were directed to regularise his service in accordance with G.O.Ms.No.212. The second application was filed with the complaint that the order passed in O.A.No.1482 of 1989 has not been implemented. The Tribunal ordained the respondents to take action in accordance with the order passed in the first application. The third application was disposed of by the Tribunal on 29-3-2004 with a direction to the respondents to absorb the petitioner in government service. Thereafter, respondent No.2 passed order dated 9-7-2004 and absorbed the petitioner in government service. The relevant extracts of that order read as under:

> "Sri P. Ravinder, Driver previously worked as Driver under the control of I.T.D.A., Bhadrachalam Agency Schemes on the Schemes of Podu afforestation and I.F.A.D. were disbanded, is hereby absorbed under the control of District Medical and Health Officer, Khammam as per the orders of above reference cited and he is posted to P.H.C. Peddagopathi in the existing vacancy.
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> Hence, Sri P. Ravinder, Driver is hereby requested to report at Medical Officer, P.H.C. Peddagopathi immediately.
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> The Medical Officer, P.H.C., Peddagopathi is hereby requested to admit the individual and date of joining may be intimated to this office."

After joining service under respondent No.2, the petitioner filed O.A.No.8853 of 2005 and made prayer to which reference has been made hereinabove.

The Tribunal dismissed the application by recording the following observations:

> "The ITDA is a registered society under Society Registration Act and in view of the disbandment of the post therein, the

applicant was appointed and absorbed in the Medical and Health Department. His previous service cannot be counted, as ITDA Agency is a registered society, for any other benefits such as pension or increments etc. in the Government service."

We have heard Sri Kowturu Vinay Kumar, learned counsel for the petitioner. Although, for the reasons best known to him, the petitioner has omitted to place on record copy of order dated 29-3-2004 passed by the Tribunal in O.A.No.2146 of 2004, pursuant to which he was absorbed under respondent No.2, a perusal of the order under challenge shows that the petitioner was engaged by the society for execution of some scheme and, on completion of the scheme, his engagement was discontinued. As a result of that, the petitioner became surplus. Ordinarily, the petitioner would have been sent home, but in compliance of the direction given by the Tribunal in O.A.No.2146 of 2004, he was absorbed in the services of the Medical and Health Department.

Learned counsel for the petitioner could not draw our attention to any statutory rules framed under the proviso to Article 309 of the Constitution of India or any administrative order in terms of which the services rendered by an employee in a registered society can be taken into consideration for extending the service benefits admissible to government employees. Therefore, we do not find any valid ground to entertain the petitioner's prayer for issue of a direction to the respondents to update his service conditions by taking into account the service rendered by him in the society.

In the result, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.5896 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, C.J.

24th April, 2007

C.V. NAGARJUNA REDDY, J.

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